

Message Text

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E.O. 11652: GDS
TAGS: APRM, TECH, IAEA
SUBJECT: SECRETARIAT'S COMMENTS ON TECHNICAL ASSISTANCE SAFEGUARDS

REFS: A) STATE 267090; B) IAEA VIENNA 10287

1. IN RESPONSE TO REF A, PARA 7, INSTRUCTIONS, MISSION HAS DISCUSSED WITH SECRETARIAT OFFICIALS FISCHER AND SANDERS THE THOUGHTS EXPLORED IN REF A. FISCHER PAPER OF MAY 1976, WHICH PROMPTED QUESTIONS RAISED IN REF A, NO LONGER HAS ANY STATUS; IT HAS BEEN SUPERCEDED BY TWO NEW SECRETARIAT DOCUMENTS DISCUSSED IN REF B. THOUGH CURRENT SECRETARIAT POSITION REGARDING THESE ISSUES IS REFLECTED IN REF B, FOLLOWING RESPONSE TO REF A MAY FURTHER CLARIFY SITUATION, UNLESS OTHERWISE NOTED, COMMENTS IN PARAS 2 THROUGH 9 HEREIN MADE BY SANDERS OR FISCHER AND AGREED TO BY BOTH.

2. REF A, PARA 3. AGREE THAT SAFEGUARDS SHOULD BE REQUIRED IN CONNECTION TA RELATED TO REACTOR TECHNOLOGY, PURSUANT TO STATUTE ARTICLE III.A.5.

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3. REF A, PARA 4. BELIEVE THAT IT COULD BE DIFFICULT TO IDENTIFY UNAMBIGUOUSLY THE EXTENT TO WHICH PARTICULAR TA MIGHT CONTRIBUTE TO AN EXPLOSIVES PROGRAM. THE OBJECTIVE, THEREFORE, SHOULD BE TO APPLY SAFEGUARDS IN FACILITIES AND EQUIPMENT INVOLVED IN THAT PART OF THE

RECIPIENT COUNTRY'S FUEL CYCLE TO WHICH THE TA IS DIRECTED. CRITERIA FOR REQUIRING SAFEGUARDS IN CASE OF TA RECIPIENTS WHICH ARE POTENTIAL SUPPLIERS SHOULD BE THE SAME AS THOSE IN CASE OF POTENTIAL EXPLORERS. ON USING THE FIVE CATEGORIES FROM GOV/1784, AGREE THAT DEFINITIONAL DISPUTES WOULD RESULT, THAT IT COULD BE DIFFICULT TO ESTABLISH LINK BETWEEN TA AND FUTURE PRODUCTION AND THAT IT COULD BE DIFFICULT TO DRAW THE LINE BETWEEN BASIC AND APPLIED RESEARCH. FOR THESE REASONS, WOULD PREFER TO USE FIVE CATEGORIES ONLY FOR INITIAL SCREENING OF TA APPLICATIONS; IF SCREENING ESTABLISHES NEED FOR SAFEGUARDS, WOULD APPLY SAFEGUARDS IN APPLICABLE PART OF FUEL CYCLE, NOT REPEAT NOT TO ENTIRETY OF RECIPIENT'S ACTIVITIES IN PARTICULAR CATEGORY.

4. REF A, PARA 5, TABLE OF TA ITEMS AND CORRESPONDING ITEMS ON WHICH SAFEGUARDS WOULD BE APPLIED WOULD BE USEFUL TO SECRETARIAT. SECRETARIAT WOULD WELCOME PREPARATION OF SUCH A TABLE BY WASHINGTON FOR SECRETARIAT'S USE AS INFORMAL CHECKLIST. DO NOT THINK SUCH A TABLE OR ANY OTHER LIST OF TA SAFEGUARDS CRITERIA SHOULD BE PROPOSED BY SECRETARIAT FOR BOARD APPROVAL BECAUSE OF DEFINITIONAL DISPUTES WHICH WOULD RESULT. ON REPLICATION ISSUE, BELIEVE THAT SITING SURVEY IS A STRAIGHTFORWARD EXAMPLE OF TA WHICH COULD NOT SERVE AS BASIS FOR EXTRAPOLATION TO MORE GENERAL APPLICATION. A SOMEWHAT MORE AMBIGUOUS EXAMPLE MAY BE WHETHER TA FOR HWR'S CAN BE APPLIED TO SUBSEQUENT LWR WORK. ON QUESTION OF WHETHER CONFIDENTIAL

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DIFINITIONS (WE ASSUME REFTEL MEANS SAFEGUARDS CRITERIA) SHOULD BE PART OF INITIAL POLICY PAPER OR BE DEFERRED TO EXPEDITE EARLY ISSUANCE OF GENERAL PRINCIPLES, FISCHER INITIALLY PREFERRED LATTER COURSE BUT APPEARS TO BE RECONSIDERING.

5. REF A, PARA 6. LIMITED REPLICATION COVERAGE IN BRAZIL/FRG AGREEMENT RESULT OF HARD BARGANING OF THE TWO PARTIES. SECRETARIAT WOULD PREFER MORE EXTENDED REPLICATION TECHNIQUES.

6. REF A, PARA 7. AGREE WITH RETROACTIVITY FORMULATION SUGGESTED BY WASHINGTON AS APPLIED TO PREVIOUS TA, EVEN IF PROJECT HAS BEEN COMPLETED. FISCHER BELIEVES MAY PROVE DIFFICULT TO ACHIEVE IN PRACTICE. REMAINING QUESTION IS HOW RETROACTIVITY FORMULATION WOULD APPLY TO PREVIOUS WORK DONE WITHOUT TA; SECRETARIAT WOULD PREFER RETROACTIVE APPLICATION OF

SAFEGUARDS IN THAT CASE ALSO, BUT BELIEVES WOULD BE
VERY DIFFICULT TO NEGOTIATE.

7. REF A, PARA9. WHEN TA PROVIDED FOR URANIUM
PROSPECTING, SECRETARIAT IS CONSIDERING REQUIREMENT
TO APPLY SAFEGUARDS TO RESULTING URANIUM, PREFERABLY
BEGINNING AT STAGE OF YELLOW-CAKE PRODUCTION.
OUTCOME OF THIS CONSIDERATION SHOULD BE KNOWN IN
NEAR FUTURE.

8. REF A, PARA 10. AS SOON AS SECRETARIAT'S PLANS
RE TA SAFEGUARDS BECOME MORE FIRM, MISSION WILL
UNDERTAKE CONSULTATION WITH OTHER VIENNA REPS ON THIS
GENERAL SUBJECT, AND WILL TAKE RESULTS INTO ACCOUNT
IN RECOMMENDING USG POSITION.

9. MISSION HAS RELAYED TO FISCHER US REACTION STATED
IN PARA 1 OF REF A. AS EVIDENT FROM FISCHER AND
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SANDERS RESPONSES NOTED HEREIN, SECRETARIAT COMMITTED
TO REQUIRE SAFEGUARDS IN CONNECTION WITH ANY REQUEST
FOR TA WHICH COULD BE USED TO FURTHER MILITARY
PURPOSE.

10. REF A, PARA 8. MISSION WAS SEEKING TO ASSURE
THAT TA SAFEGUARDS WOULD BE COVERED BY A SPECIAL
SAFEGUARDS AGREEMENT, AND NOT RELY SOLELY UPON AGREEMENTS
PURSUANT TO NPT OR TLATELOLCO. THIS WOULD AVOID GAP
IN SAFEGUARDS COVERAGE SHOULD TA RECIPIENT CEASE
BEING PARTY TO NPT OR TLATELOLCO. FISCHER DISAGREES
WITH MISSION ON THIS POINT, BELIEVING THAT FOR NPT
AND TLATELOLCO COUNTRIES, NO SPECIAL TA SAFEGUARDS
AGREEMENTS ARE NEEDED.

12. REF A, PARA 11. AT THE NOVEMBER 1975 TAC
MEETING, THE US QUESTIONED THE WISDOM OF USING AGENCY
TA RESOURCES TO ASSIST NATIONAL REPROCESSING PROGRAMS,
PARTICULARLY WHEN THE AGENCY'S STUDY OF
REGIONAL FUEL CYCLE CENTERS WAS STILL UNDERWAY; THE
PHILIPPINES AND AUSTRALIA TOOK SIMILAR POSITIONS AT
THAT MEETING. (SEE GOV/COM.8/OR.36.) IN FEBRUARY
1976 MEETING OF BOARD OF GOVERNORS, SIMILAR
STATEMENTS WERE MADE BY GDR, AND NETHERLANDS.
SEE GOV/OR. 484. HOWEVER, AT THE DECEMBER 1976 TAC
MEETING, NO COMPARABLE STATEMENTS WERE MADE, AND TA
REQUESTS WERE APPROVED FOR SUBMITTAL TO THE FEBRUARY
1977 BOARD SUBJECT TO DETAILED REVIEW OF THE PROGRAM
AND APPLICATION OF SAFEGUARDS AS NECESSARY TO ASSURE
THAT NONE OF THIS ASSISTANCE WAS USED TO FURTHER ANY

MILITARY PURPOSE. THUS WE SEE NO PROSPECTS FOR
SIGNIFICANT SUPPORT FOR CONCEPT IF ATTEMPT MADE IN
FUTURE TO REVIVE IDEA OF DENYING TA IN CERTAIN AREAS.

13. AS REPORTED IN REF B, MISSION WORKING WITH
SECRETARIAT ON OVERALL COURSE OF ACTION RE TA
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SAFEGUARDS. IT REMAINS TO BE SEEN HOW THE COMMENTS
REPORTED HEREIN ARE APPLIED. MISSION WILL REPORT AS
SOON AS SECRETARIAT HAS CONCRETE PLAN, AND AT THAT
TIME WILL COMMUNICATE MISSION'S REACTIONS.

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